

# Senate File 417 - Introduced

SENATE FILE 417  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1045)

(COMPANION TO HF 445 BY  
COMMITTEE ON COMMERCE)

## A BILL FOR

1 An Act relating to public utilities and other infrastructure,  
2 including the confidentiality of certain information  
3 relating to cyber security or critical infrastructure, the  
4 authority of utilities to make temporary rate changes, and  
5 presiding officers at public information meetings held for  
6 electric transmission line franchise petitions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 45, Code 2017, is  
2 amended to read as follows:

3 45. The critical asset protection plan or any part of the  
4 plan prepared pursuant to [section 29C.8](#) and any information  
5 held by the department of homeland security and emergency  
6 management that was supplied to the department by a public or  
7 private agency or organization and used in the development  
8 of the critical asset protection plan to include, but not be  
9 limited to, surveys, lists, maps, or photographs. ~~However,~~  
10 ~~the director shall make the list of assets available for~~  
11 ~~examination by any person. A person wishing to examine the~~  
12 ~~list of assets shall make a written request to the director~~  
13 ~~on a form approved by the director. The list of assets may~~  
14 ~~be viewed at the department's offices during normal working~~  
15 ~~hours. The list of assets shall not be copied in any manner.~~  
16 Communications and asset information not required by law, rule,  
17 or procedure that are provided to the director by persons  
18 outside of government and for which the director has signed a  
19 nondisclosure agreement are exempt from public disclosures.  
20 The department of homeland security and emergency management  
21 may provide all or part of the critical asset plan to federal,  
22 state, or local governmental agencies which have emergency  
23 planning or response functions if the director is satisfied  
24 that the need to know and intended use are reasonable. An  
25 agency receiving critical asset protection plan information  
26 from the department shall not redisseminate the information  
27 without prior approval of the director.

28 Sec. 2. Section 22.7, Code 2017, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 70. Information and records related to  
31 cyber security information or critical infrastructure, the  
32 disclosure of which may expose or create vulnerability to  
33 critical infrastructure systems, held by the utilities board  
34 of the department of commerce or the department of homeland  
35 security and emergency management for purposes relating to the

1 safeguarding of telecommunications, electric, water, sanitary  
 2 sewage, storm water drainage, energy, hazardous liquid, natural  
 3 gas, or other critical infrastructure systems. For purposes of  
 4 this subsection, "*cyber security information*" includes but is  
 5 not limited to information relating to cyber security defenses,  
 6 threats, attacks, or general attempts to attack cyber system  
 7 operations.

8 Sec. 3. Section 476.6, subsection 9, paragraph a, Code 2017,  
 9 is amended by striking the paragraph.

10 Sec. 4. Section 476.6, subsection 9, paragraph b, Code 2017,  
 11 is amended to read as follows:

12 b. A public utility may choose to place in effect temporary  
 13 rates, charges, schedules, or regulations without board review  
 14 on or after ten days after following the filing date under this  
 15 section. If the utility chooses to place such rates, charges,  
 16 schedules, or regulations in effect ~~without board review~~, the  
 17 utility shall file with the board a bond or other corporate  
 18 undertaking approved by the board conditioned upon the refund  
 19 in a manner prescribed by the board of amounts collected in  
 20 excess of the amounts which would have been collected under  
 21 rates, charges, schedules, or regulations finally approved  
 22 by the board. At the conclusion of the proceeding if the  
 23 board determines that the temporary rates, charges, schedules,  
 24 or regulations placed in effect under this paragraph were  
 25 not based on previously established regulatory principles,  
 26 the board shall consider ordering refunds based upon the  
 27 overpayments made by each individual customer class, rate zone,  
 28 or customer group. If the board has not rendered a final  
 29 decision with respect to suspended rates, charges, schedules,  
 30 or regulations upon the expiration of ten months after the  
 31 filing date, plus the length of any delay that necessarily  
 32 results either from the failure of the public utility to  
 33 exercise due diligence in connection with the proceedings or  
 34 from intervening judicial proceedings, plus the length of any  
 35 extension permitted by section 476.33, subsection 3, then such

1 temporary rates, charges, schedules, or regulations placed into  
2 effect on a temporary basis shall be deemed finally approved  
3 by the board and the utility may place them into effect on a  
4 permanent basis.

5 Sec. 5. Section 478.2, subsection 2, paragraph a, Code 2017,  
6 is amended to read as follows:

7 a. A member of the board, the counsel of the board, or a  
8 ~~hearing examiner~~ presiding officer designated by the board  
9 shall serve as the presiding officer at each meeting, shall  
10 present an agenda for such meeting which shall include a  
11 summary of the legal rights of the affected landowners, and  
12 shall distribute and review the statement of individual rights  
13 required under [section 6B.2A, subsection 1](#). A formal record of  
14 the meeting shall not be required.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill modifies several provisions relating to public  
19 utility regulation and the confidentiality of certain  
20 information held by the department of homeland security and  
21 emergency management and the Iowa utilities board.

22 Code section 22.7 lists public records that must be kept  
23 confidential from public disclosure, including critical asset  
24 protection plan information held by the department. However,  
25 Code section 22.7(45) allows the public to examine a list of  
26 assets made available by the director of the department. The  
27 bill deletes this provision.

28 The bill further amends Code section 22.7 by making  
29 information and records related to cyber security information  
30 or critical infrastructure, held by the department and the  
31 utilities board to safeguard critical infrastructure systems  
32 described in the bill, confidential from public disclosure.  
33 "Cyber security information" is defined in the bill to include  
34 but not be limited to information relating to cyber security  
35 defenses, threats, attacks, or general attempts to attack cyber

1 system operations.

2 Code section 476.6(9) authorizes utilities to collect higher  
3 rates on a temporary basis while the utilities board conducts  
4 a rate review proceeding. To do so, utilities have the  
5 option of either first obtaining board review before temporary  
6 rates are placed into effect, or implementing temporary rates  
7 without board review within 10 days after filing for temporary  
8 rates, subject to the board's authority to require refunds for  
9 overpayment if the board later determines that the temporary  
10 rates were not based on previously established regulatory  
11 principles. The bill removes the option for utilities to first  
12 request board review before implementing temporary rates.  
13 Therefore, utilities seeking temporary rate changes may do  
14 so only by implementing the rates, without the board's prior  
15 approval, on or after 10 days following the filing date with  
16 the board. If the board fails to make a final decision on  
17 a temporary rate change within 10 months after filing, the  
18 temporary rates are deemed approved by the board and may be  
19 placed into effect on a permanent basis.

20 Code chapter 478 requires any person wanting to operate  
21 and maintain electric transmission lines to file a petition  
22 for a franchise from the utilities board. Under the process  
23 described in Code section 478.2, a person must first hold a  
24 public information meeting in each county where real property  
25 or rights will be affected, at least 30 days prior to filing a  
26 petition. Code section 478.2(2)(a) requires either a member of  
27 the board, the counsel of the board, or a "hearing examiner"  
28 designated by the board to serve as the presiding officer for  
29 a public information meeting. The bill replaces the term  
30 "hearing examiner" with "presiding officer". Therefore, either  
31 a member of the board, the counsel of the board, or a presiding  
32 officer designated by the board can serve as the presiding  
33 officer at a public information meeting.